



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney: Timothy Tomlin (for Petitioner Western Surety Company)

Attorney: Heather H. Kruthers (for Successor Administrator Public Administrator)

Motion for an Order and Judgment for Repayment; Memorandum of Points and Authorities in Support Thereof

		WESTERN SURETY COMPANY is petitioner. Petitioner states an order of surcharge was entered in the above entitled action. The Order imposed liability on the surety, Western Surety Company and its principal, Christopher O'Neal for the sum of \$50,000.00 jointly and severally, without prejudice to the finding of an additional surcharge against Christopher O'Neal individually. Western Surety has paid the sum of \$50,000.00 in satisfaction of the Order entered against its principal. The surety requests an Order and Judgment for Repayment against its principal Christopher O'Neal in the amount of \$50,000.00.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT Reviewed on: 4/8/16 Updates: Recommendation: File 1- O'Neal	

DOD: 11-25-04	FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Successor Administrator on 11-28-06.	NEEDS/PROBLEMS/COMMENTS:
	Background: PRESTON VAN CAMP , Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.	Minute Order 11/17/15: Counsel requests four months due to the appeal.
Conf from 041814, 052314, 111714, 011215, 012015, 030315, 071415, 111715	A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.	
Aff.Sub.Wit.	On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.	1. Need petition for final distribution or current written status report per Local Rule 7.5.
Verified		
Inventory	The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.	
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FTB Notice	On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.	
	There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.	
	Status Report filed 11/13/15 states the PA filed an Unlawful Detainer action for the eviction of Pamela Van Camp from the real property belonging to the estate and was granted a judgment and a writ was issued. Ms. Van Camp was evicted. She filed a Notice of Appeal, but failed to file her brief before the deadline. She obtained an extension and filed her brief before the new deadline. On 10/21/15, the Court mailed a Notice to Appellant of Failure to Procure Record on Appeal. She has 15 dates (sic) from the mailing of that notice (Nov. 5) to reply. To date, she has not responded.	
	In the meantime, proposed buyers remain interested in purchasing the property. Should the appeal be dismissed, the PA can proceed with the sale and close the estate. The PA requests continuance of at least four (4) months from the date of this status hearing.	
		Reviewed by: skc
		Reviewed on: 4/7/16
		Updates:
		Recommendation:
		File 2 – Van Camp

3 Lois Elaine Frame (Estate)**Case No. 06CEPR01232****Attorney Matsumoto, Russell D. (for Bertha Frame – Successor Administrator)****Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution**

DOD: 05/27/1999	BERTHA FRAME , was appointed Successor Administrator with Will Annexed, with full IAEA authority and with bond in the amount of \$84,000.00 on 02/11/2016.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 01/13/2016: Counsel requests 90 days. No appearance is necessary at the status hearing if the petition is filed at least two court days prior. 1. Need First Account for Ted R. Frame, former Personal Representative, for his time as executor, pursuant to Probate Code §10953(b).
Cont. from 091615, 120215, 011316	Letters issued on 04/07/2016.	
Aff.Sub.Wit.	TED R. FRAME , was appointed Executor with full IAEA authority without bond on 01/23/2007. Executor passed away on 04/24/2015.	Reviewed by: LV Reviewed on: 04/08/2016 Updates: Recommendation: File 3 - Frame
Verified	Letters issued on 01/23/2007	
Inventory	Final Inventory and Appraisal was filed on 07/12/2007 showing an estate valued at \$84,100.00.	
PTC	First Account and/or Final Distribution was due on 03/2008.	
Not.Cred.	Notice of Status Hearing set this matter for the failure to file a First Account or Petition for Final Distribution. Notice was mailed to Russell Matsumoto and Ted R. Frame on 07/16/2015.	
Notice of Hrg	Declaration by Counsel re Status of Proceeding and Requesting Continuance filed by Attorney Matsumoto on 04/08/2016 states during the preparation for this hearing, which he believed to be a status hearing for the filing of the First and Final Account of Bertha Frame, which was based on the Probate Minute Order of for the hearing which was held on 01/13/2016, Mr. Matsumoto discovered that he did not have filed endorsed copy of the Order for probate or issued letters. A member of his staff spoke to the Probate Clerk and was advised those pleadings would be presented to the Examiner on 04/07/2016, and available for pick up the following morning.	
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Citation		
FTB Notice		

A continuance is requested so that he may appear at the hearing on 04/12/2016 for clarification of the Court's requirements, because of his confusion as to the calendar. In paragraph two of this declaration Mr. Matsumoto referred to a minute order which stated, "Status Hearing Re: Filing of the First and Final Account of Bertha Frame." Mr. Matsumoto believed this was accurate because in an earlier hearing during the appointment process of Berth Frame as persona representative, following the initial notice to appear for failure to file a First Account or Petition for Final Distribution, served 07/16/2015, for a hearing on 09/16/2015, Mr. Matsumoto had representing that a First and Final Account and Petition for Final Distribution would be prepared within a short amount of time of the appointment and qualification of Bertha Frame as personal representative.

When examining the online Court Case Information on 04/07/2016, Mr. Matsumoto noted two items on the docket resulting in further confusion of what is required to be presently before the Court. Contrary to the Probate Minute Order referring to the First and Final Account of Bertha Frame, the online Court Case Information indicated a hearing for 04/12/2016, for the filing of the Final Account of Ted Frame, and further hearing on 033/15/2017, for the filing of the First and Final Account of Bertha Frame.

As a result of the confusion, Mr. Matsumoto seeks further clarification on 04/12/2016, of what is required by the two separate personal representatives serving in this proceeding.

Attorney
Attorney

LeVan, Nancy J. (for Administrator Lorena Garcia)
Kharazi, H. Ty (for Ronald G. Roberts)

**Petition for Order Authorizing Personal Representative to Sign the Settlement Agreement
on Behalf of the Estate**

DOD: 2/7/07		<p>LORENA GARCIA, Administrator, is Petitioner.</p> <p>Petitioner states: Ms. Garcia represented the estate in the civil lawsuit filed by the decedent in 2004 (04CECG03607). Ms. Garcia filed an objection to the Spousal Property Petition filed by the decedent's alleged spouse, Omega, on 6/9/08. A settlement was reached between Ms. Garcia and Omega on 6/9/09 and approved by the Court on 7/14/09. The litigation continued in the civil matter and Petitioner is requesting approval of the following settlement reached between the parties:</p> <p>Settlement Agreement: As a result of the 2004 litigation, on 7/27/11, judgment was entered against Ronald Roberts in the amount of \$184,798.00 (the Judgment). In an effort to collect on the Judgment, Ms. Garcia caused Lis Pendens to be recorded against the property and sought to levy and sell the property.</p> <p>In or around May of 2015, Ms. Garcia signed a document which purports to be a "settlement agreement" and/or "satisfaction of judgment" wherein Ms. Garcia was to accept \$51,000 in full satisfaction of the Judgment (the 2015 Agreement). Ms. Garcia ultimately disavowed the 2015 Agreement on the grounds that it was procured by fraud. Mr. Roberts, believing they had a valid agreement, attempted to enforce the 2015 Agreement by, among other things, filing a petition in the probate case.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Garcia</p>	

Page 2

Settlement Agreement (Cont'd): To avoid expense and inconvenience of other litigation, the parties now wish to resolve and fully settle all claims between them. Although the Judgment is against Ronald Roberts only, Sherry Roberts is a party to this agreement by virtue of her community property interest in the property.

Settlement: Roberts agrees to pay the Estate of Johnny Garcia a total of \$101,000 in full satisfaction of the Judgment and settlement of the issues relating to the 2015 Agreement and the Petition filed relating thereto. \$1,000 was previously paid to the estate. \$50,000 to be paid within five days of effective date. See settlement for details.

Once payment has been delivered, Ms. Garcia shall cause the release of the various claims of pendency of action against the property to be released.

Ms. Garcia shall cause a petition for approval of this agreement under Probate Code §9830 to be filed in the probate case. Upon approval by the Court, the remaining \$50,000 balance of the settlement sum shall become due and payable, and Ms. Garcia shall cause Acknowledgment of Satisfaction to be prepared and signed, thereby releasing all claims against Roberts relating to the Judgment, the property, and/or the 2004 litigation. See settlement for details.

Petitioner requests an order of this Court that authorizes Petitioner to do everything necessary to complete the settlement of the suit filed by Johnny Garcia in 04CECG03607 and dismiss the suit with prejudice on the terms and conditions set forth in this petition, and for all other orders the Court considers proper.

5 William C. Crossland, Jr. (Estate) Case No. 10CEPR00386

Attorney Herold, Kim M. (for Janice A. Crossland – Executor – Petitioner)

First and Final Report of Executor on Waiver of Account and Petition for Final Distribution and Allowance of Attorney Fees

DOD: 04/08/2010		JANICE A. CROSSLAND , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived	<u>OFF CALENDAR.</u> <u>Order settling First and Final Account filed 04/07/2016.</u>
Cont. from 030116		I&A - \$350,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$350,000.00	
<input checked="" type="checkbox"/>	Verified	Executor (Statutory) - \$10,000.00	
<input checked="" type="checkbox"/>	Inventory	Attorney (Statutory) - \$10,000.00	
<input type="checkbox"/>	PTC	Costs - \$435.00 (filing fee)	
<input checked="" type="checkbox"/>	Not.Cred.	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/>	Notice of Hrg	Janice A. Crossland and Christopher J. Crossland, Co-Trustees of the William C. and Janice A. Crossland Family Trust, dated 12/19/2002 – real property located in Fresno County.	
<input checked="" type="checkbox"/>	Aff.Mail w/		
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<input checked="" type="checkbox"/>	Letters 06/17/10		
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<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 04/08/2016
			Updates:
			Recommendation:
			File 5- Crossland

Attorney Robert W. Gin, of Hanford (for Petitioner Terri Denise Gill, Executor)
 Attorney Jeffrey B. Pape (for Robert Hanggi, estranged spouse)

Amended First and Final Account and Report of Administration, Petition for Settlement, for Allowance of Statutory Compensation to Executor and to Attorneys, and for Final Distribution

DOD: 4/14/2012		TERRY DENISE GILL , daughter and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 2/19/2013 – 4/23/2015	1. Cost itemization located at Exhibit B contains the following costs totaling \$358.51 which are non-reimbursable costs per Local Rule 7.17(B): <ul style="list-style-type: none"> • Court (runner) service fees of \$97.00; • CourtCall fees of \$172.00; • Computer online research fees of \$89.51.
Cont. from 072915, 101415, 011316		Accounting - \$149,328.01 Beginning POH - \$128,328.01 Ending POH - \$104,309.09 (\$27,070.09 cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		2. Need revised proposed order, which will be interlineated to deduct the previously-paid \$358.51 in non-reimbursable costs from the amount of statutory attorney fees allowed to the attorney, leaving the sum of \$6,637.18 cash distributable to the Trustee of the DARLENE HANGGI LIVING TRUST .
<input checked="" type="checkbox"/>	Verified	Executor - \$4,303.71 <i>(statutory)</i>	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney - \$2,197.41 <i>(remaining from \$4,303.71 statutory fees, based on previous payment to attorney of \$2,106.30;)</i>	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney XO - \$12,290.30 <i>(per Declaration in Support of Request filed 7/29/2015 and itemization in Exhibit C; and per Amended Declaration in Support of Request for Extraordinary Fees and Explanation of Inadvertent Payment of Attorneys' Fees filed 2/26/2016; for obtaining family law attorney records related to Decedent's dissolution; for petition for a probate homestead over Decedent's residence owned by Decedent and Robert Hanggi, and settlement agreement preparation resulting in resolution of dispute; for obtaining survey of property for fence; for assistance with determining available well water on acreage; [un-totaled hours] @ attorney rates of \$225/hr and \$250/hr;)</i>	
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<input checked="" type="checkbox"/>	9202	Costs - \$1,347.42 (paid) <i>(Itemized at Exhibit B; includes non-reimbursable costs totaling \$358.51 under Local Rule 7.17B;)</i>	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt	Closing - \$2,000.00 ~Please see additional page~	
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: LEG

Reviewed on: 4/7/16

Updates:

Recommendation:

File 6 – Hanggi

Distribution pursuant to Decedent's Will and to Order Approving Settlement filed 4/29/2015 is to:

- **TERRY DENISE GILL** as Trustee of the **DARLENE HANGGI LIVING TRUST** – entire estate valued at **[\$6,637.18]**, consisting of (in brief sum) **\$5,000.00** payment from estranged spouse **ROBERT HANGGI** to the Estate of Darlene Kaye Hanggi in settlement of the saddle dispute and other monetary issues; award to **ROBERT HANGGI** of a Probate Homestead in the community property interest which the Estate has in the residence with Robert responsible for repairs, maintenance, taxes and insurance of residence; relinquishment of **ROBERT HANGGI'S** license to use the road on the Decedent Darlene Hanggi's property; relinquishment of **ROBERT HANGGI'S** license to use a water pipeline crossing Decedent Darlene Hanggi's property; **ROBERT HANGGI** will at his sole expense will modify or install a new water meter as specified in *Order Approving Settlement filed 4/29/2015*, and Estate of Darlene Haggi will also install a new water meter as specified in *Order Approving Settlement filed 4/29/2015*.

Petitioner prays for an Order:

1. Approving, allowing and settling the Amended First and Final account;
2. Ratifying, confirming and approving all acts and transactions of the Petitioner relating to matters set forth in the account;
3. Authorizing payment of the Executor and Attorney fees and commissions and closing reserve;
4. Authorizing payment of the Extraordinary Attorney fees; and
5. Distributing the estate of the Decedent remaining in Petitioner's hands to the Trustee of the **DARLENE HANGGI LIVING TRUST**.

Petitioner Rios, Jorge (Pro Per – Father – Petitioner)

Petition for Visitation

			JORGE RIOS, Father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3/1/16.</u> See minute order for visitation order. The Court orders the Court Investigator to interview the minors, father, mother, and guardian and to make a recommendation to the Court as to supervised or unsupervised visitation. 1. The Court may also require notice to the mother, Roseana Cottrell, due to the allegations in this petition regarding her visitation.
			JUANITA RIOS, Paternal Grandmother, was appointed Guardian on 11/19/13. - Served by mail on 1/22/16	
Cont. from 030116			Mother: ROSEANA COTTRELL	
	Aff.Sub.Wit.		See petition for details.	
✓	Verified			
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	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 4/7/16
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 7- Rios

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		KIMBERLY ANN BRYANT , Maternal Grandmother, was appointed Guardian of the Estate on 11/10/15 without bond, with \$15,000.00 to be held in a blocked account.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> On 4/5/16, the status hearing re receipt for blocked account was continued to 4/26/16. See minute order of 4/5/16 for details. 1. Need Inventory and Appraisal pursuant to Probate Code §2610 or written status report pursuant to Local Rule 7.5.
		At the hearing on 11/10/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	
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			Reviewed by: skc
			Reviewed on: 4/7/16
			Updates:
			Recommendation:
			File 8- Wilson

10 Neveah Musgrave & Lillie Musgrave (GUARD/P) Case No. 14CEPR01146

Guardian Musgrave, Leon (Pro Per)

Probate Status Hearing RE: Proof of Establishment of Guardianship in Ohio

Lillie Age: 8 DOB: 03/12/2008	LEON MUSGRAVE , maternal great-grandfather was appointed guardian on 02/24/2015, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of Establishment of Guardianship in Ohio or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Nevaeh Age: 9 DOB: 02/15/2007		
	Order Fixing Residence Outside of the State of California was granted on 11/10/2015 allowing the petitioner move to the state of Ohio.	
Cont. from	Minute Order of 11/10/2015 set this status hearing regarding the filing of Proof of Establishment of Guardianship in Ohio.	
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		Reviewed by: LV
		Reviewed on: 04/08/2016
		Updates:
		Recommendation:
		File 10- Musgrave

Probate Status Hearing RE: First or Final Account

DOD: 5/26/14	<p>BERTHA SOLTERO, Spouse, was appointed Executor with Full IAEA without bond on 2/10/15. Letters issued 2/20/15.</p> <p>At the hearing on 2/10/15, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed 4/4/16 by Attorney Hiyama states the estate assets consist of four real properties. Two have been sold and another is being held to be distributed among the beneficiaries. The last remaining property is in the process of being sold. After Notice of Proposed Action has been filed and the time period for objections has passed, the first and final account and petition for final distribution will be prepared. Mr. Hiyama requests the Court continue this status hearing for approx. 90 days to allow escrow to close on the sale and prepare a petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p>
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		<p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11- Soltero</p>

12	Mary Lou Hernandez (CONS/PE)	Case No. 15CEPR00130
Atty	Bagdasarian, Gary G. (for Michelle Ann Torres–Granddaughter/Co-Conservator–Petitioner)	
Atty	Fray, Brian H. (for Santos Torres – Daughter/Co-Conservator)	
Atty	Horton, Lisa (Court appointed for proposed Conservatee)	
Atty	Kruthers, Heather H. (for Public Guardian – Conservator of the Estate)	

Ex Parte Application for Removal of Co-Conservator of the Person

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center; font-size: 1.2em;"><u>OFF CALENDAR</u></p> <p>Per Order 4/8/16. Letters issued 4/8/16</p>
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>
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<input type="checkbox"/>	Citation	<input type="checkbox"/>
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>
		<p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates: 4/8/16</p> <p>Recommendation:</p> <p>File 12- Hernandez</p>

Probate Status Hearing

RE: Filing of the Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> I&A filed 4/1/16
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 4/7/16
			Updates:
			Recommendation:
			File 13- Ringer

Petition (1) for Removal of Trustee; (2) for Damages for Breach of Trust; (3) to Compel Trust Accounting; and (4) Objection to Accounting (Prob. Code §§ 17200, 16063)

John F. Murray DOD: 12/17/03		MARY MURRAY, Beneficiary, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		<p>Petitioner states Settlor John F. Murray executed the trust on 5/26/00 and amended one time on 6/19/02. The trust designated Settlor and DALE MURRAY SULLIVAN to act as co-trustees. Settlor died 12/17/03 and since his death, Dale Murray Sullivan has acted as sole trustee.</p>		<p><u>Minute Order 3/15/16:</u> Counsel represent that the matter has settled and they have a signed agreement; they are awaiting third party release of funds.</p>	
Cont'd from: 102715, 011216, 031516				<p><u>Note:</u> As of 4/7/16, no request for dismissal has been received. Therefore, this matter remains on calendar.</p>	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail		W		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order			<p>1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §16061.7 with reference to Exhibit C, a copy of the notice provided by the trustee in 2004 listing the trustee's address in Fresno.</p> <p>However, Exhibit D, an expense itemization provided by the trustee in 2005, indicates an address in Sioux Falls, South Dakota, and Petitioner provides a current address for the trustee in San Antonio, Texas.</p> <p>Therefore, need clarification as to why Fresno County is proper venue pursuant to Probate Code §§ 17002, 17005.</p>	
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
		<p>Petitioner states in December 2005, the trustee sent a letter to beneficiaries outlining expenses, transactions and income of the trust estate. Petitioner alleges the letter is not a legally sufficient account of trust activities and fails to contain information required by Probate Code § 16063. Petitioner object to the account and also objects to the fees claimed by the trustee of \$15,000. Petitioner states the account fails to justify the fees and the fees are excessive and should be disallowed.</p>			
		<p>Exhibit D states the trustee is retaining a reserve of \$55,540.85 for legal fees and final estate tax payments, and states the trust will have additional projected income of \$15,000 for the Palm Canyon Closing Payment, and will also have continuing income of \$4,200/yr. However, despite these statements, there have been no payments to the beneficiaries since December 2005, almost 10 years ago.</p>			
		<p>Based on the reserve, the expected payment, and projected income over the last 10 years, the trustee is believed to have retained and spent trust money of \$112,000 or more.</p>			
		SEE PAGE 2		<p>2. The Court may require further authority as to why §17200(b)(7) should not apply. It appears Petitioner has not had contact with the trustee for 10 years and has not made formal written request to the trustee for the information requested; therefore this petition may be filed prematurely.</p>	
				Reviewed by: skc	
				Reviewed on: 4/7/16	
				Updates:	
				Recommendation:	
				File 14 – Murray	

Page 2

Petitioner alleges that the requirements of Probate Code §17200(b)(7) of a written request, a 60-day wait, and lack of account within the precedent six months should not apply when a breach of trust may have occurred, especially when more than \$100,000 has disappeared without explanation.

Petitioner states she has received and is in possession of a check dated 7/15/15 from HMS-Palm Springs in the sum of \$39,600 made out to John F. Murray. Petitioner has been unsuccessful in contacting HMS-Palm Springs to determine the reason for the check and/or to find out what other payments have been made since the death of the settlor.

Petitioner prays for an order:

1. Instructing Dale Murray Sullivan to prepare and file with this court an account for the John F. Murray Living Trust from the date of death, or alternatively, should the Court find Exhibit D to be a legally sufficient account, from the end date of Exhibit D;
2. Instructing Dale Murray Sullivan to petition this court for settlement of the account;
3. Removing Dale Murray Sullivan as trustee;
4. Finding that Dale Murray Sullivan as trustee has breached the trust and that she is liable for all resulting damages;
5. Sustaining Petitioner's objections to the account;
6. Surcharging the trustee for damages and for all improper payments; and
7. For any additional orders the court deems appropriate.

Note: Status Statement filed 3/14/16 by Attorney Harris states the parties have settled and are awaiting payment from a third party in possession of trust assets. Upon receipt of funds, Petitioner will dismiss her petition. The parties expect payment in the next 10-15 days. Accordingly, Petitioner requests continuance.

Second Amended Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			<p>Court investigator advised rights on 10/23/15</p> <p>Voting rights affected – need minute order</p> <p><u>Note:</u> The prior version of this petition requested medical consent powers under Probate Code §2355 in addition to dementia medication and placement powers under §2356.5. This Second Amended Petition appears to request <u>only</u> dementia medication and placement powers under §2356.5, but not medical consent powers under §2355, although such powers are supported by the Capacity Declarations.</p> <p><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Garoppo</p>

Page 2 - NEEDS/PROBLEMS/COMMENTS:

1. Need clarification: Petitioner was previously requesting medical consent powers under Probate Code §2355, which are supported by the Capacity Declarations; however, this Second Amended Petition does not include a request for medical consent powers under §2355. See #1g of the petition.
2. Examiner Notes previously noted that although Petitioner checked the box at #1k re dementia powers, the mandatory Judicial Council Form #GC-313 Attachment Requesting Special Orders Regarding Dementia, which specifies the powers being sought, was not attached to the petition.

The GC-313 is still not attached to this Second Amended Petition. Rather, it appears to have been attached to the Capacity Declaration that was filed on 2/24/16. Because it is not attached to the petition, the request for such powers still has not been properly served on the proposed Conservatee or relatives. The Court may require further service.

3. Need new order and letters per Local Rule 7.1.1.F. Petitioner is reminded that the Judicial Council Order Appointing Probate Conservator was recently revised on 1/15/16 and the most recent revision must be used.

Note: If granted, the Court will set status hearings as follows:

- Tuesday, August 9, 2016 for filing the Inventory and Appraisal
- Tuesday, June 6, 2017 for filing the First Account.

Note: Although Petitioner filed an Inventory and Appraisal on 2/29/16, it does not appear complete in that the bank account is not included and the vehicles and other personal property assets were not appraised by the Probate Referee. See Probate Code §2610.

16 Egypt Dejonnette (GUARD/P) Case No. 15CEPR01228

Petitioner Augustus, Carolyn (Pro Per – Paternal Grandmother)

Petition for Appointment of Guardian of the Person

Age: 7 months	<u>TEMPORARY EXPIRES 04/12/2016</u>	NEEDS/PROBLEMS/COMMENTS:
	CAROLYN AUGUSTUS , paternal grandmother, is petitioner.	Minute Order of 03/01/2016: Petitioner represents that service to Joseph Dejonnette, father, was personal service as opposed to mail, but the incorrect proof was completed. She further represents that the paternal grandfather is deceased, the maternal grandparents remain to unknown to her as the mother will not provide names, and Shavon Woodruff is the minor's 15 year old sibling. The matter is continued for corrected service as the father. The Court grants temporary orders, Letters are to issue forthwith.
	<u>Please see petition for details</u>	
Cont. from 022316, 030116		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/08/2016
		Updates:
		Recommendation:
		File 16- Dejonnette

Petition for Appointment of Guardian of the Person

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			Minute Order 3/1/16: Examiner Notes provided in open court. Rayannan Perez, mother, represent that the maternal grandmother is Vicki McCue of Anchorage, Alaska, and the maternal grandfather is Angelo Subia of Fresno. The Court makes a true name finding of "McCue" as to the spelling of the minor's last name.
Cont. from 030116			1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Vicki McCue, Maternal Grandmother
	Aff.Sub.Wit.		
✓	Verified		Note: Notice of Hearing filed 3/10/16 indicates notice to "Vickie Spry" at an address in Clovis; however, this does not correspond to the information provided by the mother at the hearing on 3/1/16. Further notice to the maternal grandmother may be required.
	Inventory		
	PTC		Reviewed by: skc
	Not.Cred.		
✓	Notice of Hrg		Reviewed on: 4/7/16
✓	Aff.Mail	W	
	Aff.Pub.		Updates:
	Sp.Ntc.		
✓	Pers.Serv.	W	Recommendation:
✓	Conf. Screen		
✓	Letters		File 17- McCue
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Petition for Appointment of Temporary Guardian of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Kayra Villa (Mother) - Father
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/7/16	
			Updates:	
			Recommendation:	
			File 21- Villa	